IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

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| DATATREASURY CORPORTION *Plaintiff/Counter-Defendant* | § | |
| vs. | § | No. 2:06cv72 (DF) Jury Trial Demanded |
| WELLS FARGO & COMPANY; et al *Defendants/Counter-Plaintiff* | § | |

**DATATREASURY'S ANSWER TO FIRST HORIZON NATIONAL CORPORATION'S AND FIRST TENNESSEE BANK NATIONAL ASSOCIATION'S COUNTERCLAIMS**

Plaintiff/Counter-Defendant DataTreasury Corporation hereby files its Answer to First Horizon National Corporation's (First Horizon) and First Tennessee Bank National Association's (First Tennessee) Counterclaims and in support thereof, states as follows:

**JURISDICTION AND VENUE**

1. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 1 of First Horizon and/or First Tennessee's Counterclaim.

2. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 2 of First Horizon and/or First Tennessee's Counterclaim.

**THE PARTIES**

3. Plaintiff/Counter-Defendant admits the allegations in paragraph 3 of First Horizon and/or First Tennessee's Counterclaim.

4. Plaintiff/Counter-Defendant admits the allegations in paragraph 4 of First Horizon and/or First Tennessee's Counterclaim.

5. Plaintiff/Counter-Defendant admits the allegations in paragraph 5 of First Horizon and/or First Tennessee's Counterclaim.

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## Declaratory Judgment

6. Plaintiff/Counter-Defendant denies that First Horizon and/or First Tennessee are entitled to Declaratory Judgment as alleged in paragraphs 6-9 of the counterclaim of First Horizon and/or First Tennessee.

7. Plaintiff/Counter-Defendant denies that First Horizon and/or First Tennessee are entitled to recover attorney's fees under 35 U.S.C. §285 as alleged in paragraph 10 of First Horizon and/or First Tennessee's Counterclaim.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff/Counter-Defendant prays for judgment against Defendants/Counter-Plaintiffs as follows:

A. For judgment dismissing the counterclaims with prejudice;

B. For a declaration that this is an exceptional case, and an award to Plaintiff/Counter-Defendant of its costs and attorneys' fees incurred herein;

C. An award of the costs of this action; and

D. That Plaintiff/Counter-Defendant be awarded such other and further relief as the Court may deem just and proper, including all relief requested in Plaintiff's Complaint.

Respectfully submitted,

_____________/S/_______________________

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**ATTORNEYS FOR PLAINTIFF/COUNTER-DEFENDANT,DATATREASURY CORPORATION**

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record, via CM/ECF, on the 31st day of January, 2007.

___________/S/______________________
Edward Lewis von Hohn